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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,236	01/20/2004	Makoto Takeuchi	AI 324	7212
23995	7590	07/20/2007		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER HECKERT, JASON MARK	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/759,236

Applicant(s)

TAKEUCHI ET AL.

Examiner

Jason Heckert

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 12-19 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 12-19 and 24-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 4/24/07 have been fully considered but they are not persuasive.
2. In regards to claims 18 and 19, the examiner previously stated that Merlin et al. disclose a housing 16 surrounding the drum 20. The housing has an inlet 22. The examiner then pointed to text discussing tub door 26 with a biased lid. This tub cover 26 does in fact cover part of the inlet area and therefore reads on an open/close lid covering the inlet opening permitting access to the opening of the drum. Door flap 32 is the door to the drum, separate from both the tub door and the housing door. As stated in the previous action, the biasing means is only effective when the lid is in an opened state. Furthermore, the tub is readable on a housing as well, in that it defines an outer shape of the washing machine and accommodates a drum therein. Thus the rejection in view of Merlin et al. is maintained.
3. Due to applicant's amendments to the claims, the rejections of claims 1-4, 6, 12-17 have been rendered moot.
4. Applicant's arguments, see page 9, filed 4/24/07, with respect to the rejections under 35 U.S.C. 112 have been fully considered and are persuasive. The rejection of claims 1, 3, 4, 10, 13, 17, and 22 has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

5. Claims 18-19, 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Merlin et al. Merlin et al. disclose a washing machine comprising a drum 20, an

Art Unit: 1746

enclosure 12 with a housing 16, an inlet 22, and an open/close lid 18. Also taught are biasing means to apply a biasing force when the tub cover 26, which covers part of the inlet portion and is thus also considered an open/close lid, is to be opened wherein said means include a spring 66 (col. 4 lines 35 – 50). Also included is a catch system 26 for holding the lid in a closed state (col. 4 lines 50 – 65). Note the biasing force is only effective when the door is in an opened state. The drum is shown as rotating in a horizontal direction.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1, 6, 12-13, 24-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Merlin et al. (Merlin) in view of Japanese Publication 06-335595 ('595). Merlin discloses a washing machine of the type discussed in applicant's claim 1 comprising a drum with an opening in a circumferential side, a housing, a top cover, and an inlet in the top face (see figure 1). Merlin does not disclose a slide cover. '595 discloses a slide cover for a washing machine comprising a plurality of bar members 37 and a flexible sheet member 36. Shown in figure 2 is a curved face in the rear of the cover, for receiving a lower surface of the slide lid and guiding it into the lid receipt case 40. A handle element 39 has some resilience and is adjacent to the sheet member on the front face. The lid receipt case also has resilience and is adjacent to the sheet member.

Art Unit: 1746

The left and right side of the slide lid are clearly guided. Also disclosed are projecting parts 26 and steps 27 that aid in the guiding motion while restricting the device to prevent disengagement. Due to the fact that the flexible member can bend around the bar members, a predetermined amount of slack is inherent. As shown in figure 2 of '595, the flexible sheet member is flush with the receipt case, which would function as foreign matter intrusion preventing means. The rotation shaft of Merlin is horizontal.

The flexible sheet member of '595 substantially covers an entirety of the top face of the slide lid and the plurality of bar members is greater than two. The projecting parts and steps mentioned previously are on right and left edges of the inlet opening and lid both guide the lid as well as restrict rising motion. It would have been obvious at the time of the invention to modify the cover lid of Merlin's machine, by replacing it with the cover of '595, a known type of cover in the art providing the same function of opening and closing the machine.

8. Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Merlin in view of '595 and further in view of Montassier. Merlin does not disclose the top face of the housing as being an oblique face. Merlin does disclose an oblique face that is convex. Montassier discloses a standard drum washing machine with two oblique faces as seen in figures 1 and 2. The greatest height of the top face is at the rear position. Furthermore, changes in shape or form have been held to be obvious. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). It would have been obvious at the time of the invention, to modify Merlin as stated above, and further include multiple oblique faces, as this is merely a change in shape of the top of the machine.

Art Unit: 1746

9. Claims 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Merlin in view of '595 and further in view of Shin. Neither Merlin nor '595 disclose an electric door. However, motorized doors are known in the art. Shin discloses a motor 31 to provide a force to open and close the lid equivalent to an "electric opening/closing mechanism." Furthermore, Shin discloses that the operation of the door can be controlled with a button (col. 2 lines 48-52) on the control panel. Shin also discloses sensors 65, 70 for detecting whether the door is open or closed. These sensors stop the operation of the motor driving the lid. Thus, it is known to utilize an electric open/close mechanism along with sensors to open and close doors of washing machines. It would have been obvious at the time of the invention, to modify Merlin as stated above, and further motorize the door, as disclosed by shin, to allow easy and efficient opening and closing of the machine without physical means.

10. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Merlin in view of '595 and further in view of Seagar et al. Water inlet valves and pumps are notoriously well known in the art. Neither Merlin nor '595 disclose them, as their inventions relates to the lid portion of the apparatus, but common washing machines use all forms of valves and pumps. Seagar et al. disclose a washing machine with a pump 30 for pumping water to the wash inlet as well as a water inlet valve 26. These components are located below, and therefore to a side, of the lid 4. Furthermore rearrangement of parts was held to have been obvious. *In re Japikse* 86 USPQ 70 (CCPA 1955). As stated, these parts are notoriously common and their function, introducing water into the machine, is independent of their location. It would have been

Art Unit: 1746

obvious at the time of the invention and modify the machine of Merlin, as stated above, and further by including a water valve and pump, as taught by Seagar et al. in order to introduce water to the tub to carry out the intended operation of cleaning laundry which requires said water.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

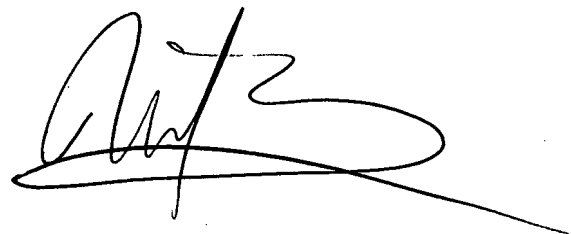
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

Art Unit: 1746

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH

A handwritten signature in black ink, appearing to read 'Michael Barr', with a long horizontal flourish extending to the right.

**MICHAEL BARR  
SUPERVISORY PATENT EXAMINER**